IN THE HIGH COURT OF JUDICATURE AT BOMBAY
SIDE JURISDICTION
CRIMINAL APPLICATION NO.297 OF 2007

Shashikant Devram Khunte ...Applicant.
V/s.
The State of Maharashtra ...Respondent.

Shri Abhaykumar Apte, adv. for the Applicant.
Ms.M.H.Mhatre, APP for the Respondent/State.

CORAM: J.H.BHATIA, J.
DATE : 13th February, 2007.

P.C.:

1. Heard Mr.Apte, the learned counsel for the applicant and Ms.Mhatre, the learned APP for the State.

2. The applicant seeks to be released on bail in Crime No.151 of 2006 registered at Yevat Police Station for the offences punishable under Sections 302, 364A, 201 read with Section 34 of the I.P.C.

3. The prosecution case in brief is that on 24-7-2006, the deceased Rajkumar Londhe left his house informing his wife that he was going to his friend, Vithal Pawar. He went on a motorcycle and he was also having a mobile. At that time, he was wearing green coloured jerkin. As he did not turn up for two days, his wife lodged a missing report on 26-7-2006. After that on that day she received a message from some

unknown person on mobile of her brother, Vishal to the effect that motorcycle of Rajkumar was lying at a particular place and it can be collected. Shortly after that another call was received on the same mobile making a demand of Rs.2 lakhs for life of Rajkumar. Such demands were repeated. Motorcycle was found at the same place as per the information given. However, Rajkumar was not found. On 7-8-2006 because of the repeated calls making demands of Rs.2 lakhs, wife of Rajkumar lodged a report that somebody had abducted her husband with intention to extort money. She was not aware that a dead body of Rajkumar was already found in a well in a field on 26-7-2006 itself. On 27-7-06 post mortem examination was also conducted. Body was found with injury on head and it was found tied with rope. The P.M.Report reveals that death had occurred due to injury on head. Thereafter it was revealed that Vithal Chima Pawar and his two friends Sachin @ Sitaram Salve and the present applicant, Shashikant had committed his murder and thrown the body in the well. During the investigation, mobile of the deceased Rajkumar was recovered at the instance of the accused Sachin. His jerkin was recovered on the basis of information given by the present applicant Shashikant. After completion of investigation, charge-sheet is filed and muddemal property was referred to C.A.

4. In the present case, only evidence against the present applicant is recovery of jerkin of the deceased from the present applicant. However, the learned APP concedes that as per the prosecution papers, the said jerkin was never shown to the wife of the deceased Rajkumar to confirm that it is a jerkin of deceased himself. The whole case is based on circumstantial evidence and in view of the fact that jerkin, seized on the basis of information given by the accused, was not shown to the wife of the deceased and was not confirmed that it was jerkin of the deceased, I find that there is no justification to refuse bail to the present applicant.

5. For the aforesaid reasons, the accused be released on P.R.Bond of Rs.25,000/- with surety in the like amount with the condition that he shall not tamper the prosecution evidence.

6. The application stands disposed off.

(J.H.Bhatia,J.)